CAUSE NO. _____

| | | |
|---|---|---|
| _____ | § | IN THE JUSTICE COURT |
| PLAINTIFF | § | |
| | § | |
| v. | § | PRECINCT ____ |
| | § | |
| _____ | § | |
| DEFENDANT | § | _____ COUNTY, TEXAS |

# DEFENDANT'S ANSWER - DEBT CLAIM CASE

**I. General Denial:** My name is _____. I generally deny each and every allegation that Plaintiff has made and demand that all allegations be proven. (*The Plaintiff is the person/creditor suing you.)*

**II. Additional Pleas and Affirmative Defenses**: (*Check any box that applies)*:

**I understand that I do not need to provide any information other than my name in the above General Denial section, but would still like to provide the following additional information to the court:**

**I do not owe this debt because**:

**A. Affirmative Defenses:**

Bankruptcy

☐ This debt was discharged in bankruptcy or is part of a current bankruptcy case. My bankruptcy case number is: _____.

Debt Amount

☐ I do not owe any money at all.

☐ I paid off $_____ more on the debt than the Plaintiff says.

☐ I dispute any amount owed over $_____.

Debt is Too Old

☐ The statute of limitations has expired on Plaintiff's claims. (*The statute of limitations generally prevents debts from being collected if they are more than four years past due.*)

☐ The Plaintiff waited too long to bring this claim against me. (*Also called laches*.)

For Secured Loans Where Your Property Was Taken and Sold to Pay the Loan

- ☐ After taking my property, the creditor or its representative did not give me proper notice of the date, time, and place of sale of my property.
- ☐ After taking my property, the creditor or its representative did not sell the property in a commercially reasonable manner.

Other Affirmative Defenses

- ☐ This debt has already been resolved in another court or through arbitration or has otherwise been determined not to be collectible.
- ☐ The creditor lied to me, threatened me, or physically forced me to enter the contract.
- ☐ The original creditor or Plaintiff acted unfairly when creating or collecting this debt.

**B. Other Defenses and Special Pleas**

- ☐ The account is not my account. I am not the person who took out this debt or made the charges to the account.
- ☐ I am a victim of identity theft and I did not create this debt.
- ☐ I do not have a debt or contract with Plaintiff.
- ☐ Plaintiff is not the original owner of the debt and may not be able to prove that the debt was transferred or assigned to them, the date of the transfer or assignment, the names of any prior holders of the debt, and the name or a description of the original creditor.
- ☐ I purchased a credit protection product to cancel or make payments on this debt if I became disabled or lost my job. I did become disabled and/or lost my job and I notified the creditor or collector about my situation.

If you have other defenses or reasons you do not owe this debt, you may list them here:

_____

_____

_____

**III. JURY REQUEST**

- ☐ I request a jury trial. (*The fee is $22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Texas Rule of Civil Procedure 502.3.*)
- ☐ I do not request a jury at this time.

**IV. SERVICE BY EMAIL** (*Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day.* ***Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.***)

☐ Yes, I would like to receive documents related to this case by email at this email address: _____.

☐ No, I do not want to receive any documents by email.

**V. REMOTE PARTICIPATION**

**Hearing by Phone Call**: (*When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and the Plaintiff and understand that I must have a phone to use on the date and time of the hearing.

☐ No, I am not able to have hearings by phone call.

**Hearing by Video Conference**: (*When a hearing happens by video conference, you can hear, see, and talk to the judge, Plaintiff, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

☐ Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.

☐ No, I am not able to have hearings by video conference.

*NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.*

## VI. RELIEF REQUESTED

Defendant reserves the right to file an Amended Defendant's Answer with the court to plead other defenses after further investigation and discovery.

Defendant requests that the court enter judgment for Defendant, award Defendant's costs, and for such other and further relief to which Defendant may prove to be justly entitled.

Respectfully submitted,

| | |
|---|---|
| Signature of Defendant | Signature of Attorney, if any |
| Printed Name: _____ | Printed Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |
| Email: _____ | Email: _____ |
| Telephone: _____ | Telephone: _____ |
| Fax: _____ | Fax: _____ |
| _____ | State Bar No.: _____ |

## CERTIFICATE OF SERVICE

*(This answer and any other pleadings or motions must be sent to the court and served on the other parties in the case by following Rule 501.4.)*

I hereby certify that a copy of this answer was served on Plaintiff on _____, 20___, pursuant to Rule 501.4 by:

- ☐ Personal delivery
- ☐ Mail
- ☐ Fax
- ☐ Email *(if both parties have agreed in writing and provided an email address)*
- ☐ Another method approved by the court: _____

_____
Signature